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MAILED

OCT 20 2010

In re Patent of Petrus : **OFFICE OF PETITIONS**
Patent No. 7,136,820 :
Issue Date: November 14, 2006 : DECISION ON REQUEST
Application No. 09/444,660 : FOR RECONSIDERATION OF
Filed: November 22, 1999 : PATENT TERM ADJUSTMENT
Atty. Docket No. N/A :

This is a decision on the petition filed on August 9, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by either one thousand one hundred seventy-seven (1177) days or one thousand four hundred fifty-three (1453) days. The petition was timely filed within one month of the mailing of a Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth, mailed July 21, 2010.

The petition is **DISMISSED**.

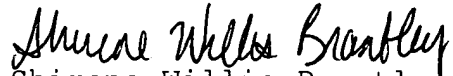
Patentee is given **one (1) month or thirty (30) days**, whichever is longer, to respond to this decision. No extensions of time will be granted under § 1.136(a).

Patentee's June 22, 2010 request for recalculation was deemed ineligible, as noted in the Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth, mailed July 21, 2010. Patentee was informed that patentee could file a reply to the decision within one month or thirty days, whichever was longer, of the mail date of the decision dismissing the request for recalculation. No fee was required if patentee was asserting in the reply that the dismissal for ineligibility was improper.

The present petition does **not** assert that the July 21, 2010 dismissal for ineligibility was improper. Instead, patentee has provided a detailed explanation as to the bases for increasing the patent term adjustment. Since patentee's petition does not

contain an argument against the dismissal based on ineligibility, the petition fee under 37 CFR 1.18(e) of \$200.00 is required.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
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Office of Petitions